

08.03.06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/602,057
Confirmation No. : 7915
Applicant : James Michael Zamel *et al.*
Filed : June 23, 2003
Title : Diode-Pumped Solid-State Laser Gain Module

BEST AVAILABLE COPY

TC/A.U. : 2828
Examiner : Phillip Nguyen
Docket No. : 47080-00045USPT
Customer No. : 30223

EXPRESS MAIL MAILING LABEL

NUMBER: EV 284724148 US

DATE: August 2, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Deborah Ricks
Deborah Ricks

PETITION TO WITHDRAW NOTICE OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.181(a), the Applicants submit this Petition to withdraw the holding of abandonment indicated in the Notice of Abandonment dated July 12, 2006. The Notice of Abandonment indicates that the current application is deemed abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 27 December 2005." The Applicants received the Notice of Abandonment on July 27, 2006 and are filing this Petition on August 2, 2006. A copy of the Notice of Abandonment having a stamped date of receipt by the Applicants is attached to this petition as Exhibit A. This Petition relies upon the certificate of mailing under 37 C.F.R. § 1.8(b), and requests that the holding of abandonment be withdrawn.

The Applicants have mailed a timely Response to the Office Action dated December 27, 2005, on March 23, 2006 (*i.e.*, within three months from the Office Action mailing date of December 27, 2005). That Response included a Certificate of Mailing in accordance with 37 C.F.R. § 1.8 and other papers. An additional copy of the previously timely mailing of the Response is attached to this petition as Exhibit B, along with a copy of the previously mailed check #232344 for \$350 to cover additional claims (attached as Exhibit C), and a copy of the previously mailed acknowledgment postcard (attached as Exhibit D).

As shown on the first page of the Response, the Certificate of Mailing, made pursuant to 37 C.F.R. § 1.8, was signed by Mrs. Deborah Ricks evidences a mailing date of March 23, 2006. Attached to this Petition as Exhibit E is a statement signed by Mrs. Ricks attesting that the Response was timely filed on March 23, 2006. In addition, a copy of the postage amount used to mail the Response has been attached as Exhibit F to further evidence that the Response was mailed on March 23, 2006.

Accordingly, the Applicants respectfully submit that this Petition satisfies the requirements of 37 C.F.R. § 1.8(b), and the Response should be considered timely. Specifically, the Applicants have:

- 1) promptly informed the Patent Office of the previous timely mailing of the Response after becoming aware (within less than one week) that the Patent Office has no evidence of receipt of the correspondence;
- 2) supplied an additional copy of the previously timely mailing of the Response, along with a replacement check for the additional claim fees to replace lost check #232344; and
- 3) included a statement by Mrs. Ricks (the person who had signed the Certificate of Mailing) that attests on a personal knowledge basis the previous timely mailing of the Response.

Based on the foregoing, the Applicants request that the holding of abandonment indicated in the Notice of Abandonment dated July 12, 2006, be withdrawn, and that the Applicants' Response mailed on March 23, 2006, be considered timely filed.

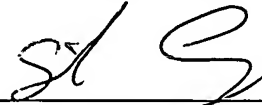
In accordance with 37 C.F.R. § 1.181(a), it is believed that no fees are due (*see also* M.P.E.P. § 711.03(c)(I), at 700-168 (8th ed., rev. 4 2006)). However, should any fees be required

(except for payment of the issue fee), the Commissioner is authorized to deduct the fees from
Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47080-00045USPT.

Respectfully submitted,

Date: August 2, 2006

By



Sorinel Cimpoes
Reg. No. 48,311
Jenkins & Gilchrist, P.C.
225 West Washington Street, Suite 2600
Chicago, Illinois 60606-3418
One of the Attorneys for Applicants
(312) 425-8542



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,057	06/23/2003	James Michael Zamel	47080-00045USPT	7915

30223 7590 07/12/2006

JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

JUL 17 2006

EXAMINER

NGUYEN, PHILLIP

ART UNIT PAPER NUMBER

2828

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED
INIT na DATE: 7/27/06
ACTION Petition DATE: 9/12/06
to file



Notice of Abandonment

Application No.

10/602,057

Examiner

Phillip Nguyen

Applicant(s)

ZAMEL ET AL.

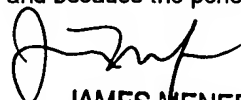
Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 December 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


JAMES MENEFEE
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DATE	INVOICE	DESCRIPTION	AMOUNT
03-23-06	47080-45 CIMPOES	FILING FEES FOR ADDING NEW CLAIMS TO RESPONSE TO OFFICE ACTION	350.00
TOTAL			350.00

THIS CHECK CONTAINS A VOID FEATURE, MICRO-PRINTED SIGNATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BLACKLIGHT TO VERIFY AUTHENTICITY.

JENKENS & GILCHRIST
A PROFESSIONAL CORPORATION
OPERATING ACCOUNT
1445 ROSS AVENUE, SUITE 3200
DALLAS, TX 75202-2799

Bank of America
5500 Preston Road
Suite B
Dallas TX 75205

232344 ³²⁻²
1110

CHECK DATE

03/23/06

CHECK AMOUNT

\$*****350.00

PAY THREE HUNDRED FIFTY AND 00/100 Dollars

TO
THE
ORDER
OF

COMMISSIONER FOR PATENTS

 MP

TWO SIGNATURES REQUIRED OVER \$10,000
VOID AFTER 180 DAYS

⑈232344⑈ ⑆111000025⑆ ⑈004774378404⑈

Application No.: 10/602,057
Filed: June 23, 2003
Client: Cutting Edge Optronics
Applicant: James Michael Zamel et al.
Title: Diode-Pumped Solid State Laser
Gain Module
Docket No.: 47080-00045USPT
Mailing Date: March 23, 2006

The following documents were received in the PTO
on the date stamped below.

1. Response to Office Action Dated December 27,
2005 (20 pages)
2. Check for \$350.00 (extra claims fee)
3. Acknowledgment Postcard

RECEIVED _____
SOC/dr



Application No. 10/602,057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/602,057
Confirmation No. : 7915
Applicant : James Michael Zamel *et al.*
Filed : June 23, 2003
Title : Diode-Pumped Solid-State Laser Gain Module

TC/A.U. : 2828
Examiner : Phillip Nguyen
Docket No. : 47080-00045USPT
Customer No. : 30223

**DECLARATION OF DEBORAH RICKS IN SUPPORT OF
PETITION TO WITHDRAW ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Deborah Ricks, attest that the Response to Office Action dated December 27, 2005, was timely filed on March 23, 2006, as evidenced by at least my signature on the Certificate of Mailing included on the first page of the timely filed Response and by the copy of the postage attached as Exhibit F to the accompanying Petition to Withdraw Notice of Abandonment Pursuant to 37 C.F.R. § 1.181(a).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 2, 2006

By 
Deborah Ricks

Billing Timekeeper: 04383 - RICKS, DEBORAH
Client-Matter #: 47080-00045USPT
Matter Description: DOCKET # 000281-847; APPLICATION NO. 10/602,051
Client Name: CUTTING EDGE OPTRONICS, INC
Operator: 04383 - DEBORAH RICKS
Date: 3/23/2006



0694001757

Postage Amount:

\$ 1.11

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.